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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY THOMPSON,

Defendant.

Case No. 2:18-cr-213-APG-EJY

**STIPULATION TO CONTINUE
SENTENCING** (Eighth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and PETER S. LEVITT, Assistant United States Attorney, counsel for the United States of America; and MONTI LEVY, counsel for Defendant BOBBY THOMPSON, that the sentencing hearing currently scheduled for September 8, 2020, at 2:00 p.m. (ECF No. 85) in the above-captioned matter, be vacated and continued to a date and time to be set by this Honorable Court but no sooner than sixty (60) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including August 6, 2020, to provide any expert witness disclosures.

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1 This stipulation is entered into for the following reasons:

2 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of
3 Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the
4 coronavirus disease 2019 (“COVID-2019”) in the District of Nevada, the declaration by the
5 Governor of the State of Nevada of a public health emergency due to the spread of COVID-19 in
6 Nevada, and the declaration of local emergencies by local governments due to COVID-19,
7 including Clark County, the Court has sustained “reduced ability to obtain an adequate spectrum
8 of jurors,” and it noted the effects of public health recommendations, including “social distancing
9 measures.” General Order 2020-03 accordingly continued all civil and criminal trials until
10 April 10, 2020, pending further order of the Court and found that “the ends of justice are best
11 served by ordering the continuances, which outweighs the best interests of the public and any
12 defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

13 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of
14 Nevada issued Temporary General Order 2020-04, which noted that “the COVID-19 pandemic
15 has continued to spread,” resulting in the need for “more aggressive social-distancing measures.”
16 The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered
17 the closure of many business establishments and strongly encouraged all citizens to stay home.”
18 Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented
19 other changes, including “striving to eliminate in-person court appearances.” In the event any
20 hearing must go forward, the Court will conduct the hearing via video or teleconference. The
21 Court will vacate or amend GO 2020-04 no later than April 30, 2020.

22 3. On March 30, 2020, the Chief Judge of the U.S. District Court for the District of
23 Nevada issued Temporary General Order 2020-05 (collectively with General Order 2020-03 and
24 General Order 2020-04, “the General Orders”), which noted that “the Judicial Conference of the

1 United States found that emergency conditions due to the national emergency declared by the
2 President have affected and will materially affect the functioning of the federal courts generally,”
3 and instituted various additional measures to protect the health and safety of those involved in
4 proceedings before the Court.

5 4. On June 25, 2020, the Chief Judge entered an Order extending General Order
6 2020-05 until September 28, 2020.

7 5. The parties agree to this continuance.

8 6. Defendant Thompson is not detained and does not object to a continuance.

9 7. Further, the additional time requested herein is not sought for purposes of delay,
10 but to account for the necessary social-distancing in light of the COVID-2019 public health
11 emergency, and to allow the parties to adequately prepare for the sentencing hearing.

12 8. Additionally, denial of this request for continuance could result in a miscarriage of
13 justice.

14 9. This is the eighth requested continuation the sentencing herein.

15 DATED this 31st day of August, 2020.

16 Respectfully submitted,

17 NICHOLAS A. TRUTANICH
18 United States Attorney

19 /s/ Peter S. Levitt
20 PETER S. LEVITT
Assistant United States Attorneys

21
22 /s/ Monti Levy, Esq.
23 MONTI LEVY, ESQ.
Attorney for Bobby Thompson
24

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY THOMPSON,

Defendant.

Case No. 2:18-cr-213-APG-EJY

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the coronavirus disease 2019 ("COVID-2019") in the District of Nevada, the declaration by the Governor of the State of Nevada of a public health emergency due to the spread of COVID-19 in Nevada, and the declaration of local emergencies by local governments due to COVID-19, including Clark County, the Court has sustained "reduced ability to obtain an adequate spectrum of jurors," and it noted the effects of public health recommendations, including "social distancing measures." General Order 2020-03 accordingly continued all civil and criminal trials until April 10, 2020, pending further order of the Court and found that "the ends of justice are best served by ordering the continuances, which outweighs the best interests of the public and any defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A)."

2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04, which noted that "the COVID-19 pandemic has continued to spread," resulting in the need for "more aggressive social-distancing measures."

1 The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered
2 the closure of many business establishments and strongly encouraged all citizens to stay home.”
3 Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented
4 other changes, including “striving to eliminate in-person court appearances.” In the event any
5 hearing must go forward, the Court will conduct the hearing via video or teleconference. The
6 Court will vacate or amend GO 2020-04 no later than April 30, 2020.

7 3. On March 30, 2020, the Chief Judge of the U.S. District Court for the District of
8 Nevada issued Temporary General Order 2020-05 (collectively with General Order 2020-03 and
9 General Order 2020-04, “the General Orders”), which noted that “the Judicial Conference of the
10 United States found that emergency conditions due to the national emergency declared by the
11 President have affected and will materially affect the functioning of the federal courts generally,”
12 and instituted various additional measures to protect the health and safety of those

13 4. On June 25, 2020, the Chief Judge entered an Order extending General Order
14 2020-05 until September 28, 2020.

15 5. The Court finds that the parties agree to the continuance; that Defendant
16 Thompson is not detained and does not object to a continuance; that the additional time
17 requested herein is not sought for purposes of delay, but to account for the necessary social-
18 distancing in light of the COVID-2019 public health emergency, and to allow the parties to
19 adequately prepare for the sentencing hearing; and that denial of this request for continuance
20 could result in a miscarriage of justice.

21 6. This is the eighth request to continue the trial date herein.

22 7. For all of the above-stated reasons, the ends of justice would best be served by a
23 continuance of the sentencing hearing.
24

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, for the reasons set forth above, at paragraphs 1-6, since the failure to grant said continuance would be likely to result in a miscarriage of justice, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED, that the sentencing currently set for September 8, 2020, at 2:00 p.m. be vacated and continued until December 8, 2020, at 1:00, p.m. in courtroom 6C, which shall not be sooner than sixty days after September 8, 2020.

DATED 31st day of August, 2020.



THE HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE